

**FILED**

**NOV 26 2007**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ANTHONY LEON JOHNSON,

Defendant - Appellant.

No. 07-10003

D.C. No. CR-03-05053-AWI

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Eastern District of California  
Anthony W. Ishii, District Judge, Presiding

Submitted November 13, 2007<sup>\*\*</sup>

Before: TROTT, W. FLETCHER, and CALLAHAN, Circuit Judges.

Anthony Leon Johnson appeals from the 240-month sentence imposed following this court's order remanding for resentencing in light of *United States v.*

---

<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

*Ameline*, 409 F.3d 1073 (9th Cir. 2005) (en banc). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Johnson contends that his sentence is unreasonable because the district court's use of the career offender sentencing enhancement created a “*de facto* mandatory sentencing system” that ran afoul of *United States v. Booker*, 543 U.S. 220 (2005). To the contrary, the district court judge properly calculated the advisory Sentencing Guidelines range and considered the sentencing factors pursuant to 18 U.S.C. § 3553(a). Accordingly, we conclude that Johnson's sentence is not unreasonable. *See United States v. Plouffe*, 445 F.3d 1126, 1131-32 (9th Cir.), *cert. denied*, 126 S. Ct. 2314 (2006).

**AFFIRMED.**